

ORIGINAL

CC: HG
HARLAN Y. KIMURA #3321
220 South King Street, Suite 1660
Honolulu, Hawaii 96813
Telephone No. (808) 521-4134
Facsimile No. (808) 521-0361
E-mail: hyk@aloha.net

Attorney for Defendant No. 02
HOLLY KOLIOPOULOS

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 05 2006

at 3 o'clock and 29 min. P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII


UNITED STATES OF AMERICA,	)	CR. NO. 05-00106-02 HG
)	
Plaintiff,	)	NOTICE OF MOTION;
	)	MOTION IN LIMINE TO
vs.	)	EXCLUDE EVIDENCE OF
	)	NONVERBAL TESTIMONY
HOLLY KOLIOPOULOS (02),	)	AND OBSERVATIONS OF
	)	DEFENDANT PRIOR TO
Defendant.	)	<u>MIRANDA</u> WARNING;
	)	MEMORANDUM OF LAW;
	)	CERTIFICATE OF SERVICE
)	
	)	Date: July _____, 2006
	)	Time: _____
	)	Judge: Helen Gillmor

NOTICE OF MOTION

TO: EDWARD H. KUBO, JR., ESQ.
United States Attorney
MARK A. INCIONG, ESQ.
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd., Box 50183
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard
before the Honorable Helen Gillmor, in her courtroom in the United States
Courthouse, 300 Ala Moana Boulevard, on July ____, 2006, at _____.m., or as
soon thereafter as counsel may be heard.

DATED at Honolulu, Hawaii, JUL - 5 2006.



HARLAN Y. KIMURA
Attorney for Defendant No. 02
HOLLY KOLIOPOULOS

HARLAN Y. KIMURA #3321
Central Pacific Plaza
220 South King Street, Suite 1660
Honolulu, Hawaii 96813
Telephone No. (808) 521-4134
Facsimile No. (808) 521-0361
E-mail: hyk@aloha.net

Attorney for Defendant No. 02
HOLLY KOLIOPOULOS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00106-02 HG
)	
Plaintiff,	)	MOTION IN LIMINE TO
	)	EXCLUDE EVIDENCE OF
vs.	)	NONVERBAL TESTIMONY
	)	AND OBSERVATIONS OF
HOLLY KOLIOPOULOS,	)	DEFENDANT PRIOR TO
	)	<u>MIRANDA</u> WARNING
Defendant.)	
_____)	

MOTION IN LIMINE TO EXCLUDE EVIDENCE OF
NONVERBAL TESTIMONY AND OBSERVATIONS OF DEFENDANT
PRIOR TO MIRANDA WARNING

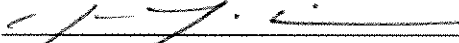
COMES NOW Defendant No. 02 HOLLY KOLIOPOULOS

(hereinafter "Koliopoulos"), by and through her counsel, Harlan Y. Kimura, and hereby moves this Honorable Court to exclude from introduction at the trial on this matter any and all evidence of the nonverbal testimony and observations of Koliopoulos by law enforcement authorities between the period of time she de-

boarded the boat under repair on stilts near the Haleiwa Boat Harbor at approximately 10:30 p.m. on March 4, 2005 and being advised of her Miranda Rights at approximately 3:00 a.m. on March 5, 2006. This requested relief is a natural extension and clarification of the scope of this Honorable Court's oral ruling on April 26, 2005 suppressing "[t]he statements [Koliopoulos] made before signing the waiver of her Miranda rights at 3:00 a.m." on March 5, 2005. April 26, 2005 Minutes of the Court's Oral Order Granting In Part, And Denying In Part, Koliopoulos' Motion To Suppress Defendant's Statements And Evidence Derived Therefrom (hereinafter "4/26/05 Minutes").

This Motion is based upon Fed. R. Crim. P. 12(b), the 4/26/05 Minutes, the Records and Files in this Case, the attached Memorandum Of Law and such other evidence and argument as the Court may consider at a hearing to be held on this Motion.

DATED at Honolulu, Hawaii, JUL - 5 2006.



HARLAN Y. KIMURA
Attorney for Defendant No. 02
HOLLY KOLIOPOULOS